



# भारत का राजपत्र The Gazette of India

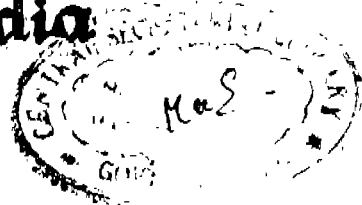
असाधारण  
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY



सं० 16] मई विल्ली, शुक्रवार, मई 5, 1995/वैशाख 15, 1917  
No. 16] NEW DELHI FRIDAY, MAY 5, 1995/VAISAKHA 15, 1917

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 5th May, 1995:—

### I

BILL No. LXX of 1994

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1994.

Short  
title.

2. In Article 102 of the Constitution, in clause (1)—

Amend-  
ment of  
article  
102.

(i) after clause (c), the following clause be inserted namely:—

“(d) if he has been convicted or punished by any court of law for the offence of committing contempt of court.”

(ii) sub-clauses (d) and (e) shall be re-lettered as sub-clauses (e) and (f) respectively.

3. In article 191 of the Constitution, in clause (1)—

Amend-  
ment of  
article  
191.

(i) after clause (c), the following clause be inserted namely:—

“(d) if he has been convicted or punished by any court of law for the offence of committing contempt of court.”

(ii) sub-clauses (d) and (e) shall be re-lettered as sub-clauses (e) and (f) respectively.

### STATEMENT OF OBJECTS AND REASONS

Everybody is equal in the eyes of law and at the same time it is expected of everybody to observe law. None is expected to violate the authority of law or show any disrespect to courts or commit the contempt of court. Every Citizen, of this country is expected to show utmost respect by words spoken or written by deeds for the authority of the law and the courts. Orders of the court are meant to be followed and not be breached.

Thus there is an urgent need to incorporate in the Constitution a provision that those having been convicted or punished by any court of law for the offence of committing the contempt of court should be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State.

Hence this Bill.

SATYA PRAKASH MALAVIYA

## II

BILL NO. LXIX OF 1994

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1994.

Short  
title.

2. In article 174 of the Constitution, in clause (I), the following proviso shall be added at the end, namely:—

Amend-  
ment of  
article  
174.

“Provided that the House or each House of the Legislature of the State shall remain in session for not less than one hundred and eighty days in a year.”

### STATEMENT OF OBJECTS AND REASONS

It has become a general practice that sittings of the State Legislatures are held for very short durations. It is a reality that State Legislatures are meeting just to fulfill mandatory constitutional requirement that six months shall not intervene between its last sitting in one session and the date appointed for the first sitting in the next session. It is a mockery of our democratic and elected institution.

It is therefore proposed to amend the Constitution to specify that the State Legislature or Legislatures, as the case may be, shall and must remain in session for a period of not less than one Hundred and eighty days in a year.

Hence the Bill.

SATYA PRAKASH MALAVIYA

## III

BILL NO. LXXI OF 1994

*A Bill further to amend the Representation of the People Act, 1950*

BE it enacted by Parliament in the Forty-fifth year of the Republic of India as follows:—

1. This Act may be called the Representation of The People (Amendment) Act, 1994.

Short  
title.

2. In section 16 of the Representation of the People Act, 1950, in sub-section (1)—

Amend-  
ment of  
section  
16 of  
Act 43  
of 1950.

(i) after clause (b) the following clause shall be inserted namely:—

“(c) has been convicted or punished by any court or law for the offence of committing the contempt of court; or

(ii) the existing clause (c) shall be relettered as clause (d).

### STATEMENT OF OBJECTS AND REASONS

Everybody is equal in the eyes of law and at the same time it is expected of everybody to observe law. None is expected to violate the authority of law or show any disrespect to courts or commit the contempt of court. Every Citizen of this country is expected to show utmost respect by words spoken or written and by deeds for the authority of the laws and the courts. Orders of the court are meant to be followed and not to be breached.

Thus there is an urgent need to incorporate in the Representation of the People Act, 1950 a provision that those having been convicted or punished by any court of law for the offence of committing the contempt of court should be disqualified for registration in an electoral roll.

Hence this Bill.

SATYA PRAKASH MALAVIYA

BILL No. X OF 1995

*A Bill to provide for the establishment of the State of Uttarakhand by reorganisation of the existing State of Uttar Pradesh and for matters connected therewith.*

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. This Act may be called the State of Uttarakhand Act, 1995.

Short  
title.

2. In this Act, unless the context otherwise requires—

Defini-  
tions.

(a) "appointed day" means the day which the Central Government may, by notification in the Official Gazette, appoint;

(b) "article" means the article of the Constitution;

(c) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of People Act, 1950;

(d) "existing State of Uttar Pradesh" means the State of Uttar Pradesh as existing immediately before the appointed day;

(e) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having immediately before the appointed day, the force of law in the whole or in any part of the existing State of Uttar Pradesh;

(f) "notified order" means an order published in the Official Gazette;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "sitting member", in relation to either House of Parliament or of the Legislature of the existing State of Uttar Pradesh, means a person who immediately before the appointed day is a member of that House;

(i) "State of Uttar Pradesh" means the State with the same name, comprising territories referred to in section 4;

(j) "successor State", in relation to the existing State of Uttar Pradesh, means the State of Uttar Pradesh or Uttarakhand;

(k) "treasury" includes a sub-treasury; and

(l) any reference to a district, tehsil, or other territorial division of the existing State of Uttar Pradesh shall be construed as a reference to the area comprised within that territorial division on the first day of January, 1992.

## PART II

### REORGANISATION OF THE STATE OF UTTAR PRADESH

Formation  
of the  
State of  
Uttara-  
khand.

3. On and from the appointed day, there shall be formed a new State to be known as the State of Uttarakhand comprising the following territories of the existing State of Uttar Pradesh, namely:—

"Almora, Nainital, Pauri Garhwal, Tehri, Dehra Dun, Uttar Kashi, Chamoli and Pithoragarh districts and the Kumbha Mela Area of Haridwar district."

State of  
Uttar  
Pradesh  
and ter-  
ritorial  
divisions  
thereof.

4. On and from the appointed day, the State of Uttar Pradesh shall comprise the territories of the existing State of Uttar Pradesh other than those mentioned in section 3.

Amend-  
ment of

5. On and from the appointed day, in the First Schedule to the Constitution, under the heading "I. The States",—

the  
First  
Schedule.

(i) in entry 13, under the heading "Territories", the following shall be added at the end, namely:—

"and excluding the territories specified in section 3 of the State of Uttarakhand Act, 1955"; and



(ii) after the entry 25, the following entry shall be inserted, namely:—

“26. Uttarakhand: the territories specified in section 3 of the State of Uttarakhand Act, 1995.”.

### PART III

#### REPRESENTATION IN THE

#### THE CONCIL OF STATES

6. On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,—

(a) entries 15 to 27 shall be re-numbered as entries 16 to 28 respectively;

(b) after entry 14, the following entry shall be inserted, namely:—

“15. Uttarakhand . . . . . 3”;

(c) in entry 16 as so re-numbered, for the figures “34”, the figures “31” shall be substituted.

Amend-  
ment of  
the  
Fourth  
Schedule.  
to the  
Consti-  
tution.

7. (1) On and from the appointed day, the thirty-four sitting members of the Council of States representing the existing State of Uttar Pradesh shall be deemed to have been elected to fill the seats allotted to the States of Uttarakhand and Uttar Pradesh, as specified in the Fourth Schedule.

Alloca-  
tion of  
sitting  
members.

(2) The terms of office of such sitting members shall remain unaltered.

8. (1) As soon as may be after the appointed day, election shall be held to fill the vacancies existing on the appointed day in the seats allotted to the State of Uttarakhand.

Filling  
up of  
vacan-  
cies.

(2) The terms of office of such one of the three members so elected, as the Chairman of the Council of States may determine by drawing lot, shall expire on the 2nd day of April, 1996, the term of office of the second member shall expire on the 2nd day of April, 1998, and the term of office of the third members shall expire on the 2nd day of April, 2000.

#### THE HOUSE OF THE PEOPLE

9. Nothing in Part II shall be deemed to affect the Constitution or duration of the existing House of the People or the extent of the constituency of any sitting member of that House.

Provi-  
sion  
as to  
existing  
House.

#### THE LEGISLATIVE ASSEMBLIES

10. (1) The number of seats as on the appointed day in the Legislative Assembly of the State of Uttarakhand shall be seventy-five.

Provi-  
sion as  
to Legis-  
lative  
Assem-  
bly.

(2) In the Second Schedule to the Representation of People Act, 1950, under the heading I—States,

(i) entries 24 and 25 shall be renumbered as entries 25 and 26, respectively; and

(ii) before entry 25 as so re-numbered, the following entry shall be inserted, namely:—

“24. Uttarakhand.....75.....”

Alloca-  
tion of  
sitting  
members.

11. (1) Every sitting member of the Legislative Assembly of Uttar Pradesh elected to fill a seat in the Assembly from a constituency which on the appointed day stands allotted, with or without alteration of boundaries to the State of Uttarakhand, shall, on and from that day, cease to be a member of the Legislative Assembly of Uttar Pradesh and shall be deemed to have been elected to fill a seat in the Legislative Assembly of Uttarakhand.

(2) All other sitting members of the Legislative Assembly of Uttar Pradesh shall continue to be members of Legislative Assembly of the State.

(3) Notwithstanding anything contained in any other law for the time being in force, Legislative Assemblies of Uttarakhand and Uttar Pradesh shall be deemed to be duly constituted on the appointed day.

Duration  
of Legis-  
lative  
Assem-  
bly of  
the  
State  
of  
Uttara-  
khand.

12. The period of five years referred to in clause (1) of article 172 shall, in the case of Legislative Assembly of Uttarakhand be deemed to have commenced on the date on which the Legislative Assembly of Uttar Pradesh actually commenced.

#### DELIMITATION OF CONSTITUENCIES

Alloca-  
tion  
of seats  
in the  
House of  
the  
People.

13. In the House of the People to be constituted after the commencement of this Act, there shall be allotted five seats to the State of Uttarakhand.

Alloca-  
tion of  
seats in  
the  
Legisla-  
tive  
Assembly.

14. The total number of Seats in the Legislative Assembly of Uttarakhand to be constituted at any time after the appointed day, to be filled by persons chosen by direct elections from territorial constituencies, shall be seventy-five of which ten seats will be reserved for Scheduled Castes and Scheduled Tribes.

#### PART IV

##### HIGH COURT

Common  
High  
Court  
for  
Uttar  
Pradesh  
and  
Uttara-  
khand.

15. (1) On and from the appointed day,—

(a) there shall be common High Court for the States of Uttar Pradesh and Uttarakhand, for the time being, to be called the High Court of Uttar Pradesh and Uttarakhand (hereinafter referred to as the Common High Court).

(b) The Judges of the High Court of Uttar Pradesh holding office immediately before that day shall, unless they have elected otherwise, become on that day the Judges of the Common High Court.

(2) The expenditure in respect of salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Uttar Pradesh and Uttarakhand in such proportion as the President may, by order, determine.

16. On and from the appointed day, the common High Court shall have, in respect of the territories comprised in the States of Uttar Pradesh and Uttarakhand, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of those territories by the High Court of Uttar Pradesh.

Juris-  
diction of  
the Com-  
mon  
High  
Court.

17. Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the existing High Court shall, with the necessary modifications, apply in relation to the Common High Court.

Practice  
and  
Proce-  
dure in  
Com-  
mon  
High  
Court.

18. The law in force immediately before the appointed day with respect to the custody of the seal of the High Court of Uttar Pradesh shall, with the necessary modifications, apply with respect to the custody of the seal of the common High Court.

Custody  
of seal  
of Com-  
mon  
High  
Court.

19. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court of Uttar Pradesh shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the common High Court.

Form  
of writs  
and  
other  
pro-  
cesses.

20. The law in force immediately before the appointed day with respect to the powers of Chief Justice, single Judges and division courts of the High Court of Uttar Pradesh and with respect to all matters, ancillary to the exercise of those powers shall, with necessary modifications, apply in relation to the Common High Court.

Powers  
of  
Judges.

21. (1) The principal seat of the Common High Court shall, unless otherwise determined by the President after consultation with the Chief Justice of that High Court and the Governors of Uttar Pradesh and Uttarakhand, be at the same place, at which the principal seat of the High Court of Uttar Pradesh is located immediately before the appointed day.

Principal  
seat and  
other  
places of  
sitting of  
the  
Com-  
mon  
High  
Court.

(2) The President may, after consultation with the Chief Justice of the Common High Court and the Governors of the States of Uttar Pradesh and Uttarakhand, by notified order, provide for the establishment of a permanent bench or benches of that High Court at one or more places within the territories to which the jurisdiction of the

Common High Court extends, other than the principal seat of the High Court, and for any matters connected therewith.

(3) Notwithstanding anything contained in sub-section (2), the judges and division courts of the Common High Court may also sit at such other place or places in the States of Uttar Pradesh and Uttarakhand as the Chief Justice may, with the approval of the Governors of the States of Uttar Pradesh and Uttarakhand, appoint.

Transfer  
of pend-  
ing pro-  
ceedings.

22. All proceedings pending in the High Court of Uttar Pradesh immediately before the appointed day shall, on that day, stand transferred to the Common High Court.

## PART V

### AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

Distri-  
bution of  
Reve-  
nues,

23. The President shall, by order, determine the grants-in-aid of the revenues of the State of Uttarakhand and the share of that State in the Union duties of excise, estate duty and taxes on income and for that purpose amend thereby the relevant provisions of the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Union Duties of Excise (Distribution) Act, 1979, the Estate Duty (Distribution) Act, 1962 and the Constitution (Distribution of Revenues) order, 1985 in such manner as he thinks fit.

58 of  
1957.  
24 of  
1979.  
9 of 1962.

Authori-  
sation of  
Expendi-  
ture of  
the  
State of  
Uttara-  
khand.

24. The Governor of the existing State of Uttar Pradesh may at any time, before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Uttarakhand as he deems necessary for any period not exceeding beyond the 31st day of March, 1994, pending the sanction of such expenditure by the legislative assembly of the State of Uttarakhand:

Provided that the Governor of Uttarakhand may, after the appointed day, authorise such further expenditure from the Consolidated Fund of the State of Uttarakhand as he deems necessary for the said period pending such sanction.

## PART VI

### APPORTIONMENT OF ASSETS AND LIABILITIES

Applica-  
tion of  
part,

25. The provisions of this part shall apply in relation to the apportionment of the assets and liabilities of the existing State of Uttar Pradesh immediately before the appointed day.

Land and  
goods.

26. (1) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the existing State of Uttar Pradesh shall,—

(a) if within that State, pass to the successor State in whose territories they are situated, or

(b) if outside that State, pass to the State of Uttar Pradesh;

Provided that where the Central Government is of the opinion that any goods or class of goods should be distributed between the successor States otherwise than according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the successor states accordingly.

(2) The stores held for specific purposes, such as use of utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall pass to the successor State in whose territories such institutions, workshops, undertakings of works are located.

(3) The stores relating to the Secretariat and offices of Heads of Departments having jurisdiction over the whole of the existing State of Uttar Pradesh shall be divided between the successor States in accordance with such directions as the Central Government may think fit to issue for a just and equitable distribution of such stores.

(4) Any other unissued stores of any class in the existing State of Uttar Pradesh shall be divided between the successor States in proportion to the total stores of that class purchased in the period of three years ending with the 31st day of March, 1994 the territories of the existing State of Uttar Pradesh included respectively in each of the successor States;

(5) In this section the expression "land" includes immovable property of every kind and any rights in or over such property and the expression "goods" does not include coins, bank notes and currency notes.

27. The total of the cash balances in all treasuries of the existing State of Uttar Pradesh and the credit balances of that State with the Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day shall be divided between the successor States according to the population ratio:

Treasury  
and  
bank  
balances.

Provided that for the purposes of such division there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be affected by adjusting the credit balances of the successor States in the books of the Reserve Bank of India on the appointed day:

Provided further that if any successor State has no account with the Reserve Bank of India, the adjustment shall be made in such a manner as the Central Government may, by order, direct.

28. The right to recover arrears of any tax or duty on property, including arrears of land revenue shall belong to the successor State in whose territories the place of assessment of that tax or duty is included.

Arrears  
of taxes.

## PART VII

### PROVISIONS AS TO SERVICES

29. (1) In this Section, the expression "State Cadre"—

(a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954, and

Provi-  
sions re-  
lating to  
All India  
services.

(b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954.

(2) In place of cadres of the Indian Administrative Service and the Indian Police Service for the existing State of Uttar Pradesh, these shall, on and from the appointed day, be two separate cadres, one for the State of Uttar Pradesh and the other for the State of Uttarakhand, in respect of each of these services.

(3) The initial strength and the composition of each of the State cadres for the States of Uttar Pradesh and Uttarakhand shall be such as the Central Government may, by order, determine before the appointed day.

(4) The members of each of the said services borne on the State cadre for the existing State of Uttar Pradesh immediately before the appointed day shall be allocated to the State cadres of the same service for each of the States of Uttar Pradesh and Uttarakhand in such manner and with effect from such date or dates as the Central Government may, by order specify.

(5) Nothing in this section shall be deemed to affect the operation, on or after the appointed day, of the All India Services Act, 1951 or the rules made thereunder in relation to the State cadres of the said services referred to in sub-section (3) and in relation to the members of these services borne on the said cadres.

Provi-  
sions  
relating  
to other  
services.

30. (1) Every person who immediately before the appointed day is serving in connection with the affairs of the existing State of Uttar Pradesh shall, on and from that day, provisionally continue to serve in connection with the affairs of the State of Uttar Pradesh unless he is required, by general or special order of the Central Government, to serve provisionally in connection with the affairs of any other successor State.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in Sub-Section (1) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to a successor State shall, if he is not already serving therein, be made available for serving the successor State from such date as may be agreed upon between the Governments concerned or in default of such agreement, as may be determined by the Central Government.

(4) The Central Government may, by order, establish one or more advisory committees for the purpose of assisting it in regard to—

(a) the division and integration of the services among the successor States; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this section and the proper consideration of any representations made by such persons.

(5) The foregoing provisions of this section shall not apply in relation to any person to whom the provisions of section 28 apply.

(6) Nothing in this section shall be deemed to affect on or after the appointed day, the operation of the provisions of Chapter 1 of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of the Union or any State;

Provided that the conditions of service applicable immediately before the appointed day to the case of any person referred to in sub-section (1) or sub-section (2) shall not be varied to his disadvantage except with the previous approval of the Central Government.

## PART VIII

### LEGAL AND MISCELLANEOUS PROVISIONS

31. For the purpose of facilitating the application in relation to the State of Uttar Pradesh or the State of Uttarakhand of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Power to  
adapt  
Laws.

*Explanation*—In this section, the expression “appropriate Government” means—

(a) in respect of any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government; and

(b) in respect of any other law, in its application to a State, the State Government.

32. (1) Notwithstanding that no provision or insufficient provision has been made under section 30 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Uttar Pradesh or the State of Uttarakhand construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

Power to  
construe  
laws.

(2) Any reference to the High Court of Uttar Pradesh in any law shall, unless the context otherwise requires, be construed, in and from the appointed day, as a reference to the High Court of Uttar Pradesh and Uttarakhand.

33. The Central Government, in respect of the Government of the State of Uttarakhand as regards the territories thereof may, by notification in the Official Gazette, specify the authority, officer or person who on and from the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

Power to  
name  
authori-  
ties etc.  
for ex-  
ercising  
statutory  
functions.

Legal  
proceedings.

34. Where immediately before the appointed day, the existing State of Uttar Pradesh is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment under this Act shall be deemed to be substituted for the existing State of Uttar Pradesh or added as a party to those proceedings and the proceedings may continue accordingly.

Transfer  
of pending  
proceedings.

35. (1) Every proceeding pending immediately before the appointed day before a court (other than a High Court), tribunal, authority or officer in any area which on that day falls within a successor State shall, if it is a proceeding relating exclusively to the territories which as from that day are the territories of another successor State stand transferred to the corresponding court, tribunal, authority or officer in that other state as the case may be.

(2) If any question arises as to whether any proceedings should stand transferred under sub-section (1), it shall be referred to the High Court, having jurisdiction in respect of the area in which the court, tribunal, authority or officer before which or whom such proceedings are pending on the appointed day, is functioning and the decision of the High Court shall be final.

(3) In this section—

(a) "proceeding" includes any suit, case or appeal, and

(b) "corresponding court, tribunal, authority or officer" in a state, means—

(i) the court, tribunal, authority or officer in that state in which or before whom, the proceeding would have lain if it had been instituted after the appointed day; or

(ii) in case of doubt, such court, tribunal, authority or officer in that State, as may be determined after the appointed day by the Government of the existing State of Uttar Pradesh, to be the corresponding court, tribunal, authority or officer.

Power to  
make  
rules.

36. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



## STATEMENT OF OBJECTS AND REASONS

The people of Uttarakhand (eight hill districts of Uttar Pradesh and Kumbha Mela area of Haridwar district) have made significant contribution in the freedom struggle of India. The specific social and economic problems of the people of this region require special treatment in democratic and independent India. The problems of the people of this region have been accumulating and the people continue to suffer.

The changes in the administrative set up under the Constitution were found necessary for the sustained growth and development of the people of Himachal Pradesh and Arunachal Pradesh besides other areas in North-Eastern India.

The Uttar Pradesh State Assembly also felt persuaded to adopt a resolution to carve out a separate State of Uttarakhand to end the neglect of the people of this region.

The formation of a separate hill State of Uttarakhand is essential to ensure a balanced development of this region in all its dimensions so that the rich intellectual potential of the people of this region and even richer material resources available with unique advantage of environment are duly exploited by an appropriate democratic set-up to unleash the creative energies of the people of Uttarakhand. It is, therefore, proposed to provide for the establishment of the State of Uttarakhand with its legislature, executive and the judiciary like other Indian States, in accordance with the Constitution of India.

Hence this Bill.

CHATURANAN MISHRA

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 3 AND 274  
OF THE CONSTITUTION OF INDIA

[Copy of D.O. No. 16013/1/95-S.R. dated 2nd Feb. 1995 from Shri S. B. Chavan, Home Minister to the Secretary-General, Rajya Sabha]

“The President having been informed of the subject matter of the Bill mentioned above, recommends the consideration of the Bill in the Rajya Sabha under Articles 3, 274 and 110(1) (c) read with Article 117(1) of the Constitution.”

## FINANCIAL MEMORANDUM

As a State, Uttarakhand will be entitled to a share in the income tax and additional excise duty of the Central Government. There will be some revenue receipts from the areas now covered under the new State of Uttarakhand. However, there may be a gap between the revenue receipts and expenditure. The Central Government will have to provide such quantum of grants-in-aid to the new State as may be necessary by suitably amending the provisions of the Constitution (Distribution of Revenue) Order, 1985, in exercise of the powers given by clause 23 of the Bill. No exact estimate can be given about the amount likely to be given to the State as grants-in-aid but it is estimated that it may involve expenditure to the tune of rupees two hundred crores.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the President to determine by order the grant-in-aid to the new State and its share of Central taxes and amend for that purpose the relevant provisions of the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Union Duties of Excise (Distribution) Act, 1979, the Estate Duty (Distribution) Act, 1962, and the Constitution (Distribution of Revenue) Order, 1985.

Clause 36 of the Bill empowers the Central Government to make rules to give effect to the provisions of the Bill. The rules, if any will be confined to matters of procedure and other matters of minor detail relating to the enforcement of the various provisions included in the Bill.

The rules to be made will relate matters of details only and as such the delegation of legislative power is of a normal character.

## V

## BILL NO. XVII OF 1995

*A Bill to make regional language of the State or areas a compulsory medium of instruction in Primary, Secondary and Higher Education and for matter connected therewith.*

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Primary, Secondary and Higher Education in Regional Languages Act, 1995.

Short  
title,  
extent  
and com-  
mence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint; and different dates may be appointed for different States and areas.

2. In this Act unless the context otherwise requires:—

Defini-  
tions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "Committee" means the Advisory Committee constituted under section 5;

(c) "educational institution" means any school, college or university, whether recognised or not, imparting formal education;

(d) "regional language" means any language of a State, Union territory or area as the Central Government shall, by notification in the Official Gazette, determine in consultation with the Government of the State or Union territory.

(e) "prescribed" means prescribed by rules made under this Act.

Regional language to be the medium of instruction.

3. (1) Within a period of ten years from the commencement of this Act, the medium of instruction in all educational institutions shall be the regional language of the State Union territory or area as the case may be; Provided that English shall be one of the optional subjects throughout the country.

(2) The appropriate Government shall, for a period of ten years from the commencement of this Act, give options to students for taking their examinations at all levels in regional language.

The Central Government to Provide funds for books etc.

4. The Central Government shall, in consultation with the University Grant Commission and other Universities, provide sufficient funds for preparation and production of textual materials, orientation programmes of school and University teachers and for translation of books from English into regional languages in such manner as may be prescribed.

Advisory Committee.

5. (1) The Central Government shall, by notification in the Official Gazette, appoint an Advisory Committee consisting of not more than ten eminent persons from the field of education to advise the appropriate Government in preparation and production of textual materials and in translation of books from English into regional language.

(2) The Chairman and other Members of the Committee shall be appointed in such manner as may be prescribed.

Overriding effect of the Act.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force.

Powers to make rules.

7. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

In 1948 University Education Commission under the Chairmanship of Dr. S. Radhakrishnan has recommended that medium of instruction for higher education should be replaced by an Indian language. The same commission also recommended that English should also be studied upto high schools and in the Universities in order to keep in touch with the living stream of ever growing knowledge.

Again in 1964—66 the Education Commission had pointed out the advantages of education through regional languages. It had suggested that University Grant Commission and the Universities should care fully workout a feasible programme suitable for each University or group of universities for change over to the media of regional languages over a period of ten years.

Therefore it is high time that we should consider the importance of imparting education in regional language. Since learning in regional language is always easy, it will encourage more people to study. Moreover the ever increasing problem of illiteracy can also be solved to some extent.

Hence this Bill.

RAJ NATH SINGH.

### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall grant funds for publication of books in regional language. Clause 5 provides for establishing an Advisory Committee to help the Central Government in preparing and publishing books. The Bill, therefore, if enacted and brought into operation, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an expenditure of rupees ten crores will be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees fifty lakhs is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the matter will relate to details only the delegation of legislative power is of normal character.



## VI

**Bill No. XVIII of 1995**

A Bill to provide for regional language of the State to be one of the compulsory language in primary and secondary schools and for matters connected therewith.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Regional Language in Primary and Secondary School Act, 1995.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State the Government of that State and in other cases the Central Government;

(b) “Committee” means the Advisory Committee constituted under section 4;

Short  
title,  
extent  
and com-  
mence-  
ment.

Defini-  
tions.

(c) "school" means any school upto twelfth standard, whether established by Government, local self Government, a citizen or a body of citizens and whether in receipt of aid from the Government or not, recognised by the appropriate Government for the award of certificate in examinations;

(d) "regional language" means any language of the State or Union territory as the Central Government may, by notification in the Official Gazette, determine for a State or Union territory in consultation with the Government of that State or Union territory;

(e) "prescribed" means prescribed by rules made under this Act.

Regional  
language  
to be one  
of the  
language  
in  
school.

3. Within a period of five years from the commencement of this Act, the regional language of the State or the Union Territory shall be one of the compulsory languages in the schools throughout the country:

Provided that for the States of Uttar Pradesh, Madhya Pradesh, Himachal Pradesh, Bihar and Rajasthan Hindi shall be the regional language.

Advisory  
Com-  
mittee.

4. (1) The Central Government shall, by notification in the Official Gazette, constitute an Advisory Committee of not more than ten eminent persons from the field of education to advise the appropriate Government in determining the regional language of the State and preparation and production of books to be prescribed in the schools.

(2) The Chairman and other members of the Committee shall be appointed in such manner as may be prescribed.

(3) The Central Government shall provide funds for carrying out the purposes of sub-section (1).

Schools  
to be  
taken  
over.

5. (1) If any school violates the provisions of this Act, the appropriate Government shall take over that school by an order duly published in the Official Gazette.

(2) If the circumstances so require, the appropriate Government may, without taking over that school, by an order published in the Official Gazette, direct that such a school be closed down forthwith or be administered in such a manner as may be published in the order.

Penalty.

6. Without prejudice to any of the action which may be taken under section 5, the Chairman, the Secretary and the Head of that school, which violates the provisions of this Act, shall be punishable with a fine which may extend to rupees one lakh or imprisonment for a period for not less than six months or with both.

Overri-  
ding  
effect of  
the Act.

7. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Powers  
to make  
rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

The Constitution makers recognised the linguistic diversity of the country through the Eighth Schedule of the Constitution which provides the scope for development of certain regional languages. The idea mooted behind such thought was to develop the regional languages and make it a part of education. The objective can be achieved by making the regional language as a compulsory subject at primary and secondary level education. A definite initiative is possible through legislation in that regard. It is a high time that we should consider the importance of regional language as a compulsory language in schools. It will also help and motivate students to learn the rich Indian culture stored in different languages vis-a-vis reflect the Government's will in promoting the regional languages.

Hence this Bill.

RAJ NATH SINGH.

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of an Advisory Committee to advise the Central Government in determining the regional language and preparation and production of books to be prescribed in schools. The Bill therefore, if enacted and brought into operation is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two crores will be involved as recurring expenditure. A non-recurring expenditure of rupees fifty lakhs will also be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

## VII

## Bill No. V of 1995

*A Bill to provide for the rehabilitation of oustees particularly of Adivasis whose immovable property is acquired for Inter-State River Projects by the Government and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Inter-State River Projects (Rehabilitation of Oustees) Act, 1995.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the first day of January, 1988.

2. In this Act, unless the context otherwise requires:—

(a) “*adivasi*” means the tribal people declared as Scheduled Tribes in the Constitution (Scheduled Tribes Order) 1950;

(b) “*appropriate Government*” means in the case of a State, Government of that State and in other cases the Central Government;

Short  
title,  
extent  
and  
com-  
mence-  
ment.

Defini-  
tions.

(c) "family" includes parents and their children;

(d) "Oustee" means person or family whose dwelling house and land is acquired by the appropriate Government for constructing inter-state river project and such person is forced to vacate his house and land;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "River project" includes a dam or reservoir constructed over a river passing through more than one State, for generating electricity, prevention of floods and irrigating the fields, etc.

3. (1) Every river project shall be formulated, implemented and monitored by the Central Government in such manner as may be prescribed.

(2) The entire cost of the river project referred to in sub-section (1) shall be borne by the Central Government.

4. (1) The Central Government shall, in consultation with the Governments of the States concerned with the river project, formulate a comprehensive scheme for rehabilitation of oustees by providing dwelling houses, agricultural land and such other means which are necessary for their proper rehabilitation, as may be prescribed.

(2) While formulating rehabilitation scheme under sub-section (1) special scheme shall be formulated for the adivasis keeping in view the environment in which they live.

5. (1) The appropriate Government shall, prior to administering the rehabilitation scheme, obtain option from the likely to be oustees of a site, chosen for the river project, to ascertain whether they want to be rehabilitated within the State/District or elsewhere as proposed by the appropriate Government.

(2) The appropriate Government shall, as far as practicable, rehabilitate the oustees as per the option given by them.

Central Government to formulate, monitor and finance the Inter-State River Project

Central and appropriate State Governments to formulate scheme for rehabilitation of oustees.

Appropriate Government to obtain option from the likely to be oustees of a site chosen for river project

6. (1) The appropriate Government shall provide agricultural land to every oustee or family whose land is acquired for the river project in the following manner:—

Agricultural land for the oustees.

(a) If the land acquired for river project was an irrigated land, similar land which shall be ten percent more of the total area of the acquired lands;

(b) If the land acquired was not an irrigated one;

(i) Similar land which shall be twenty percent more of the total area of the acquired land; and

(ii) If the alternative land is an irrigated land, land equivalent to the total area of the acquired land.

(2) The appropriate Government shall allot double the land including agricultural land acquired from every *adivasi* family or individual if alone, for the river project.

7. Every oustee shall be provided a dwelling house by the appropriate Government with such facilities as may be prescribed.

Dwelling house for the oustee.

8. The appropriate Government shall provide employment to at least one eligible member of every family ousted for river project in such manner as may be prescribed.

Employment to one eligible member of every ousted family.

9. The appropriate Government shall provide schools, medical centres and such other facilities as may be prescribed in and around the areas where oustees are rehabilitated.

Education and Other facilities in the areas where oustees are to be rehabilitated

10. The Central Government shall, by notification in the Official Gazettee, make rules for carrying out the purposes of this Act.

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

It is necessary for the overall development of the country in general and specific areas in particular to formulate inter-state river projects and execute them. The multi-purpose river projects not only give the precious electricity for the development of industry and for the household use but also supply water in abundance for irrigation of millions of hectares of land to improve our agricultural output leading to the prosperity of the nation. At the same time, thousands of people living in the vicinity of proposed inter-state river projects have to leave their native place to facilitate the execution of the project. Their rehabilitation becomes a necessity. Sometimes the inhabitants of such areas have to be ousted against their will and sometimes there are complaints and resentment against rehabilitation schemes which are often defective. The problem of rehabilitation becomes acute in the case of *adivasis* who live in jungles and are habitual of living in a particular environment and atmosphere. Number of complaints against the rehabilitation schemes for outsees of Sardar Sarovar Pariyojana on Narmada river, in which States of Madhya Pradesh, Maharashtra and Gujarat are involved, are leading to agitations against the rehabilitation packages. Most of the *adivasi* outsees are not happy with the schemes. The resentment amongst the *adivasis* of Madhya Pradesh and Maharashtra in particular is severe and their resistance is delaying the project which will bring prosperity in the three States. It is hoped that the Union Government in consultation with the State Governments will solve the problem but in the absence of a law on the subject the project is being delayed resulting in avoidable losses to the nation. An attempt is being made in this Bill to provide guidelines to the Central and State Governments connected with inter-state river projects.

Hence this Bill.

SURESH PACHOURI



## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall formulate, monitor and finance the inter-state river projects. Clause 4 provides that Central Government shall provide rehabilitation and other facilities to oustees. The Bill if enacted and brought into operation will involve expenditure from the Consolidated Fund of India as and when an inter-state river project will be formulated and executed. It will depend on the specific project and it is not possible to state the amount likely to involve in every project. However, it is estimated that every project will require a minimum of one thousand crore rupees from the Consolidated Fund of India.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

## VIII

## BILL NO. IV OF 1995

*A Bill to provide for the payment of old age allowance by the State to the farmers and for matters connected therewith.*

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Farmers Old Age Allowance Act, 1995.

Short  
title,  
extent  
and  
com-  
mence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires;

Defini-  
tions.

(a) "appropriate Government" means in the case of a State the Government of that State and in the case of an Union Territory the Central Govt;

(b) "farmer" means a cultivator who owns:—

(i) not more than five acres of wet land; or

(ii) ten acres of partially wet and partially dry land; or

(iii) twenty five acres of dry land without assured rainfall;  
or

(iv) without any limit of holdings in a drought prone, arid and sandy areas.

(c) "prescribed" means prescribed by rules made under this Act;

(d) "permanent disablement" means such disablement which incapacitates a farmer for all work caused by an accident or disease.

Payment  
of al-  
lowance  
to  
farmers  
on perma-  
nent dis-  
able-  
ment.

**3. (1) The appropriate Government shall pay such amount as permanent disablement allowance to such farmer who gets permanent disablement as may be prescribed.**

**(2) The allowance payable under sub-section (1) shall be governed in such manner as may be prescribed.**

Payment  
of old  
age al-  
lowance  
to  
farmers

**4.(1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall pay monthly allowance, which shall not be less than rupees five hundred, to every farmer who has attained the age of sixty years.**

**(2) The allowance referred to in sub-section (1) shall be revised from time to time in accordance with the change in the Price Index in such manner as may be prescribed.**

Central  
Govern-  
ment to  
provide  
suffi-  
cient  
funds to  
State  
Govern-  
ments.

**5. The Central Government shall, after due appropriation made by Parliament from time to time, provide sufficient funds to the State Governments for the purposes of this Act.**

Overri-  
ding  
effect  
and  
Savings.

**6. The provisions of this Act and of any rules made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to farmers.**

Power  
to make  
rules.

**7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

## STATEMENT OF OBJECTS AND REASONS

In our country majority of the farmers have small and uneconomic land holdings which are not even enough for their subsistence. There are no assured rainfall or other means of irrigation which could increase the yield and improve their lot. They are totally dependent on rainfall. In case of destruction of their crops due to natural calamities, they do not have any alternative livelihood for survival. Their conditions become more pitiable in their old age when nobody looks after them. The problem has become serious due to disappearance of joint family system. The farmer who grows food for the nation till he is capable of is taken as a liability in his old age when he needs more care and love. Similar is the case when he becomes permanently disabled. Thus the farmers are forced to live in miserable conditions in their old age and permanent disablement. Here, the State has to play its role in atleast minimising the farmers' agonies in their old age. Though some States have already started old age pension for farmers majority of farmers are not covered under the scheme. All the farmers must be paid modest allowance per month for their survival in old age and permanent disablement.

Hence this Bill.

SURESH PACHOURI.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of allowance to farmers on permanent disablement. Clause 4 provides for payment of old age allowance to farmers. Clause 5 provides that Central Government shall provide sufficient funds to State Governments for the purposes of this Bill. Therefore the Bill, if enacted, and brought into operation will involve expenditure from the Consolidated Fund of India. It is likely to involve a sum of rupees five hundred crores per annum as recurring expenditure.

No non-recurring expenditure is likely to be involved.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government so make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

## IX

## BILL NO. XI OF 1995

*A Bill to provide for the prevention of cattle straying on roads and other public places, causing thereby fatal road accidents and refilement of public places, by providing deterrent punishments for the cattle owners who let their cattle stray on road, and other places to feed on litter and also for the impounding and public auction of such straying cattle and for matters connected therewith.*

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of cattle Menace on Roads Act, 1995.

(2) It extends to the Union Territories only.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:—

(a) "Cattle" includes cow, bull, buffalo, horse, mare, gelding, pony, ass, pig and rids of such cattle;

Short  
title,  
extent  
and  
com-  
mence-  
ment.

Defin-  
tions

(b) "local authority" includes a Municipal Corporation, Committee, Council, Municipality whether elected, nominated or otherwise or any body of persons having control and administration, under any law, within a specified local area;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "public place" includes market, fair, park, playground, street, compound of house other than the house of owner of the cattle, etc.

Prohibition of letting cattle for straying.

3. Allowing of cattle, by the owner of such cattle, for straying on roads or public places is hereby prohibited.

Impounding of cattle straying on roads and public places.

4. Persons in charge of public roads and public places and officers of local police and local bodies, or members of non-Governmental organisations and general public may seize or cause to be seized any cattle found straying on road or public place and shall send them or cause them to be sent to the nearest pound established under the Cattle-trespass Act, 1871 and notwithstanding anything in the said Act such cattle shall stand impounded.

1 of 1871.

Public auction of impounded cattle.

5. Every cattle impounded under section 4 shall be sold by public auction by the Pound-keeper or any officer so authorised by the local body or State Governments in such manner as may be prescribed.

Penalty for owners allowing cattle for straying.

6. Every owner of any cattle who wilfully allows his cattle to stray on roads or public places shall be punishable with imprisonment for a period which may extend to three years or with fine which may extend to ten thousand rupees or with both.

Penalty for forcibly opposing the seizure of cattle.

7. Whoever forcibly opposes the seizure of cattle liable to be seized and impounded under this Act shall be punishable with imprisonment for a period which may extend to two years and also with fine which may extend to five thousand rupees.

Duty of local bodies to enforce the provisions of the Act and create a squad for the purpose.

8. It shall be the duty of every local body to enforce the provisions of Act to eliminate the cattle menace on public roads and public places and such local bodies shall establish squads with sufficient number of employees and equipments for carrying out the purposes of this Act.



1 of 1871.

9. The provisions of this Act and of any rules and order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Cattle-trespass Act, 171 or in any other for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Over  
riding  
effect  
and  
saving.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power  
make  
rules,

### STATEMENT OF OBJECTS AND REASONS

In the National Capital Territory of Delhi it is a common sight on the busy roads and crossings where cattle are standing or lying in the middle of the road or wandering freely causing disruption to the free flow of traffic particularly during the peak hours. These stray cattle on roads cause fatal road accidents in which precious human lives are either lost or permanently crippled leave aside the damage caused to the vehicles. Similarly cattle stray in the colonies, parks and other public places in search of fodder. They damage the kitchen gardens in the colonies. Sometimes these cattle even eat the clothes or spoil them which are put in the open for drying. They can be seen eating garbage from the dustbins in the colonies. The cattle also stray in market places particularly in the vegetable markets where green leaves of vegetables are available to them as fodder. There they hurt the customers who go there to purchase vegetables and other commodities. In fact stray cattle have become a permanent nuisance on roads, colonies, parks, markets and other places not only in the prestigious national capital but also in other parts of the country.

It is also generally seen that the owners of these cattle particularly of cows deliberately allow them to stray and feed for themselves as they can be seen driving such cows towards their sheds in the morning and evening for milking them. After milking they again let them to stray and create nuisance. So, to save few rupees on fodder they endanger the precious human lives and property.

The position is worse in other parts of the country. Major accidents take place on roads and highways. The cattle owners deliberately let their cattle in the fields of others only to destroy the crops. There is no check on the stray cattle and their owners.

It is, therefore, necessary to curb the menace by imposing deterrent punishments for the owners of the cattle who release or allow their cattle to stray to save few rupees and endanger the road users and general public. It is also proposed to impound every straying cattle and auction it instead of imposing fine on their owners. The owners should be jailed for their deliberate actions or negligence.

Hence this Bill.

SURESH PACHOURI.

## FINANCIAL MEMORANDUM

Clause 8 of the Bill provides that the local bodies shall establish squads with sufficient number of employees and equipments to deal with the menace of straying cattles. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India because many of the local bodies are directly under the Central Government and it will also have to provide assistance to States also for this purpose. It is estimated that a sum of rupees one hundred crore may involve as recurring expenditure per annum.

A sum of rupees fifty crores may also involve as non-recurring expenditure.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to frame rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

**Bill No. XX of 1995**

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1995.

Short  
title

2. In the First Schedule to the Constitution, under the heading “II. THE UNION TERRITORIES” for entry 2, the following entry shall be substituted namely:—

Amend-  
ment of  
the First  
Schedule.

“2. Shaheed and Swaraj Dweep”

The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of the Andaman and Nicobar Islands.

3. In article 240, clause (1) for entry (a) the following entry shall be substituted namely:—

Amend-  
ment of  
article  
240.

“(a) Shaheed and Swaraj Deeps”

## STATEMENT OF OBJECTS AND REASONS

The Andaman and Nicobar Islands are closely linked with our struggle for freedom during the Raj. The Islands assumed notorious significance, when the Britishers used to intern the freedom fighters in the Cellular Jail, specially constructed for the purpose of torturing the inmates, the punishment commonly called the 'Kala-Pani'. Large number of freedom fighters thus, died while in custody and others faced torture at the hands of the Britishers.

Unfortunately, the present day generation knows little about the history of these Islands. For them these are mere tourist sports. Whereas, we owe to a great extent to the sacrifices of freedom fighters who were lodged in the Cellular jail. Therefore, to keep the memories of all these freedom fighters alive in our hearts and as a token of our gratitude to them, we may, most appropriately rename the Andaman & Nicobar Islands as 'Shaheed and Swaraj Dweep'. It will be a small tribute to the freedom fighters and the future generation will, in its curiosity at least, enquire why these Islands are called as 'Shaheed and Swaraj Dweep'. Also for the Indians, the return of the Andamans represents the first territory to be liberated from the British yoke.

Hence this Bill,

SANJAY DALMIA.

**Bill No. XXI of 1995**

*A Bill further to amend the Citizenship Act, 1955.*

**BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—**

**1.** (1) This Act may be called the Citizenship (Amendment) Act, 1995.

Short  
title  
commen-  
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

57 of  
1955.

**2.** In section 2 of the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in sub-section (1), after clause (h), the following clause shall be added, namely:—

Amend-  
ment of  
section 2.

“(i) “unauthorised foreign national” means a person who has entered or sneaked into India without a valid passport, visa or travel permit.”

Insertion  
of new  
clauses

15A  
and  
15B.

Mainten-  
ance of  
National  
Register.

3. After section 15, of the principal Act, the following sections shall be inserted, namely:—

“15A. (1) The Central Government shall prepare and maintain a Register containing names and other particulars, as may be prescribed, of all the citizens who are continuously staying in the country since the fifteenth day of August, 1947 or since any later date.

(2) The Central Government shall ascertain the bonafides of each person and also of his or her parents before entering the name in the Register..

(3) The names of unauthorised foreign nationals or their descendants shall not be entered in the Register.

Assis-  
tance  
to  
Foreign  
Nationals  
compel-  
led to  
Migrate  
to  
India,

15B. The Central Government may, on an application made in the prescribed form, grant civil, political and citizenship rights to the nationals from Pakistan or Bangladesh who were or are compelled to migrate to India due to religious persecution, discrimination, victimisation, or intimidation.



## STATEMENT OF OBJECTS AND REASONS

There has been a large influx of unauthorised foreign nationals into our country since 1947. Doubts are often raised whether a person is or is not a citizen of India. In the absence of authentic records, difficulties arise in preparing current and upto-date voter lists containing names of Indian citizens only. There is therefore need to prepare and maintain a National Register of all the citizens.

The Bill seeks to achieve the above objective.

KRISHAN LAL SHARMA

### FINANCIAL MEMORANDUM

The Bill provide for preparing a National Register of all the citizens. This would require creation of a suitable administrative set up and deployment of officers and staff for the purpose. It is estimated that this would involve an initial expenditure of rupees five crores and a recurring expenditure of rupees fifteen lakhs per annum.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to insert new section 15A in the Act. Under sub-section (1) of that section the Central Government shall prepare and maintain a Register containing names and such other particulars, as may be laid down in the rules, of all the citizens who are continuously staying in the country since 15th August, 1947 or later.

2. Clause 3 also seeks to insert new section 15B under which an application in the form laid down in the rules has to be moved for grant of civil, political and citizenship rights to the foreign nationals who were or are compelled to migrate to India due to religious persecution, discrimination, victimisation or intimidation.

3. The matters in respect of which the power is proposed to be given to the Central Government to make rules are matters of administrative details. The delegation of legislative power is therefore of a normal character.

## XII

## BILL No. XXII OF 1995

*A Bill further to amend the Foreigners Act, 1946.*

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:

1. (1) This Act may be called the Foreigners (Amendment) Act, 1995.

Short  
title  
and  
commence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

31 of 1946,

2. In section 2 of the Foreigners Act, 1946 (hereinafter referred to as the principal Act),

Amend-  
ment of  
section 2.

(i) for clause (a), the following clause shall be substituted, namely:—

““foreigner” or “foreign national” means a person who is not a citizen of India.”

(ii) after clause (c), the following clause shall be inserted namely:—

“(d) “unauthorised foreign national” means a person who has entered or sneaked into the country without a valid document;

(e) “document” includes a valid passport, visa or travel permit.”

Insertion  
of  
sections  
11A, 11B,  
11C, 11D  
and 11E.

**3. After section 11 of the principal Act, the following sections shall be inserted, namely:—**

Census of  
unauthori-  
sed  
foreign  
nationals.

**“11A. (1) The Central Government shall, after the commence-  
ment of this Act, as soon as may be, undertake a census of all foreign  
nationals living in the country.**

**(2) The census data so collected shall be made public forthwith  
by notification in the Official Gazette.**

Deporta-  
tion of  
unautho-  
rised  
foreign  
nationals.

**11B. (1) On the basis of the census data collected under section  
11A, and after ascertaining the bonafides of the persons and their  
parents, the Central Government shall prepare a list of those foreign  
nationals who are living unauthorisedly in the country and draw a  
phased programme of their deportation to the countries of their  
origin.**

**(2) No unauthorised foreign national shall be allowed to stay in  
the country on the ground of his long and continuous stay or his  
having acquired immovable property in the country.**

**(3) No voting rights, educational facilities, financial assistance or  
such other assistance as may be prescribed, shall be provided to an  
unauthorised foreign national in the country.**

Punish-  
ment for  
giving  
shelter  
to unau-  
thorised  
foreign  
nationals.

**11C. Whoever gives shelter to an unauthorised foreign national of  
conceals the identity of such person shall be punishable with imprisonment  
which may extend to one year or with fine or both.**

Deporta-  
tion of  
over  
staying  
persons.

**11D. The Central Government shall take necessary steps to,—**

**(a) detect cases of foreign nationals who came to India on the  
basis of valid documents but did not return to the country of their  
origin on the expiry of the time limit specified in their documents  
and deport such persons overstaying in the country to the countries  
of their origin;**

**(b) make public list of persons who overstayed in the country  
and declared as untraceable; and**

**(c) trace person declared untraceable and deport them to the  
countries of their origin.**

Assistance  
to  
foreign  
nationals  
compelled  
to  
migrate  
on  
certain  
grounds.

**11E. The Central Government may make special provisions for  
the grant of civil, political and citizenship rights to the national from  
Pakistan or Bangladesh who were or are compelled to migrate to  
India due to religious persecution, discrimination, victimisation or  
intimidation.”**

## STATEMENT OF OBJECTS AND REASONS

There has been a large scale influx of unauthorised foreign nationals into our country since 1947. This has put a heavy burden on the country which is already affected by over-population. The presence of unauthorised foreign nationals in the country has been a source of threat to the security and integrity of the country.

It is necessary to detect all unauthorised foreign nationals and deport them to the countries of their origin.

The Bill seeks to achieve the above objectives.

KRISHAN LAL SHARMA

## FINANCIAL MEMORANDUM

The Bill provides for undertaking a census of foreign nationals living in the country and for deportation of unauthorised foreign nationals to the countries of their origin. The Bill, if enacted and brought into operation, would involve setting up of a suitable administrative machinery for the purpose. It is estimated that this would require an initial expenditure of rupees five crores and a recurring expenditure of rupees fifteen lakhs per annum.

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**MEMORANDUM REGARDING DELEGATION LEGISLATION**

Clause 3 of the Bill seeks to insert new section 11A in the Act. Under sub-section (3) of that section voting rights, education facilities, financial assistance or such other assistance as may be laid down in the rules shall be denied to unauthorised foreign national.

2. The matters in respect of which the power is proposed to be given to the Central Government to make rules are matters of administrative details. The delegation of legislation power is therefore of a normal character.

**V. S. RAMA DEVI,**  
*Secretary-General.*

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Published by the Secretary-General, Rajya Sabha under rule 68 of the Rules of Procedure and Conduct of Business in the Rajya Sabha.

